IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2350 OF 2005

Vishwanath Keshav Vichare ...Petitioner.

Versus

Sanjay Santu Jadhav
and Ors. ...Respondents.

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Mr.D.G.Bagwe, Advocate for the Petitioner.
Mr.Sandeep Dadwani, Advocate for Respondent No.1.
Mr.V.B.Konde-Deshmukh, APP, for the State.

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CORAM : D.G.DESHPANDE AND
SMT.V.K.TAHILRAMANI, JJ.

DATED : APRIL 25, 2006.

P.C.:

. Heard Mr.Bagwe learned Advocate for the petitioner, Mr.Konde-Deshmukh learned APP for the State and Mr.Dadwani learned Advocate for respondent No.1.

2. Mr.Bagwe learned Advocate for the petitioner states that the petitioner was in possession of certain garage under the lease deed. On 18.2.2004, he lodged complaint with Kherwadi Police Station making allegations that he has

forcibly dispossessed and also expressed his apprehension that his machinery, money and certain papers are likely to be stolen by the accused.

3. Now, the learned APP states that the charge sheet under sections 447, 448, 452 of the IPC, excluding that of theft, has been filed against the accused.

4. The learned Advocate for the petitioner contends that the matter should have been investigated regarding his allegation of theft of machinery worth Rs.35,000/- and cash of Rs.1200/- from his cash-box (Galla).

5. We had asked the petitioner to serve respondent No.1 who was the accused in the matter. The Advocate for respondent No.1 is present today. He states that the petitioner had filed a Civil Suit under Section 6 of the Specific Reliefs Act and also taken out motion. The motion was rejected by the Court and the appeal against that order has also been dismissed and the Court has

held that the petitioner was never in possession.

6. So far as the allegations of theft are concerned we are not at all convinced. The complaint dated 18.2.2004 is absolutely vague. No particulars are given. Police have already filed charge-sheet.

7. Petition is dismissed.

(D.G.DESHPANDE, J.)

(SMT.V.K.TAHILRAMANI,J.)